

STATE OF COLORADO

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June 6, 2017



John W. Hickenlooper
Governor

The Honorable Colorado Senate
General Assembly
State Capitol
200 E. Colfax Ave.
Denver, CO 80203

Dear Members of the Colorado Senate:

Today, we filed with the Secretary of State Senate Bill 17-019, "Concerning Medication Consistency for Persons with Mental Illness in the Criminal and Juvenile Justice Systems" (SB 17-019). As I am neither signing nor vetoing SB 17-019, the bill will become law at 12:01 A.M. on June 10, 2017. This letter sets forth my reasons for allowing SB 17-019 to become law absent my signature.

Senate Bill 17-019 implements recommendations of the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems. We are pleased with the bill's statutory changes and its support for Coloradans with mental illnesses. On the bill's policy merits, we take no issue. However, we have concerns regarding the bill's cost and the late amendments that were added to this legislation.

Like all bills, SB 17-019 received an independent fiscal impact analysis. The original fiscal note estimated a cost of \$540,575 and 0.9 full time employees (FTE) in FY 2017-18 and continued costs in future fiscal years. During the legislative process, amendments reduced the stated fiscal impact to \$26,000 and zero FTE.

Accounting for this significantly lowered fiscal estimate, in the final week of the 2017 legislative session, amendments were added delaying several of the bill's implementation dates beyond Fiscal Year 2017-2018. Furthermore, language was inserted making most of the bill's requirements voluntary, subject to out-year budgeting, and legislating future budget requests by the Administration to prioritize funds to accomplish the bill's tasks. These changes were stated to have been done to secure passage and sidestep the fiscal constraints of the House and Senate Appropriations Committees.

We are very grateful for the House sponsor's efforts to alleviate some of these concerns when these issues were raised. However, legislation should not contain "work-around" language to the annual appropriations process - whether by delays of implementation dates several years out, use of optional or permissive bill language, or other tactics that may veil a bill's true cost to the taxpayers.

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Although we remain persuaded that SB 17-019 enacts positive changes for the State, we expect legislation to be more transparent on its impact on taxpayer funds. Given that we are frequently accused of not correctly prioritizing our resources or not making tough choices, the strategy in this bill merits highlighting. For these reasons, I allowed Senate Bill 17-019 to become law without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Hickenlooper", with a long horizontal flourish extending to the right.

John W. Hickenlooper
Governor